



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 08563-97

17 December 1999

LCDR [REDACTED] III USNR

Dear Command [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 December 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Bureau of Naval Personnel dated 10 March and 6 August 1998, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board noted that the applicable directive is Navy Military Personnel Command Instruction (NAVMILPERSCOMINST) 1611.1A dated 26 March 1990, not Bureau of Naval Personnel Instruction (BUPERSINST) 1611.17 dated 10 June 1993, cited by the advisory opinion dated 10 March 1998; and that enclosure (1), paragraph 1-12 of the applicable directive states block 66 is to be left blank in lieutenant fitness reports. They did not agree with the recommendation, in that advisory opinion, to correct your fitness report in question in accordance with the reporting senior's letter of 6 November 1992, noting that he did not specify the "administrative errors" he cited, and that the narrative of the fitness report included no language indicating you were recommended for "early" promotion. Since the Board found no defect in your performance record, they had no basis to change your Officer Summary Record (OSR) or remove your failures by the Fiscal Year 98, 99 and 00 Naval Reserve Line Commander Selection Boards. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosures



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
WASHINGTON, D.C. 20370-5000

IN REPLY REFER TO

1611

Pers-32

MAR 10 1992

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: BUPERS/BCNR Coordinator (Pers-00XCB)

Subj: LCDR [REDACTED], III, USNR, [REDACTED]

Ref: (a) BUPERSINST 1611.17, FITREP Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests change of his performance report for the period of 22 February 1992 to 31 October 1992.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the report in question to be on file. Within two weeks of the report ending date, the reporting senior prepared a supplemental letter which was received by Pers-322 and filed next to the report in question.

b. In accordance with reference (a), Chapter 13, paragraph 13-4, supplemental changes to the original report are reflected by indicating in the automated record that there is supplemental material on file. The supplemental material is filed in the member's headquarters record for review, but the original report is only changed if approved upon appeal.

c. The reporting senior's supplemental letter requests change of blocks 63, 65 and 66.

d. The member proves the report to be in error.

3. We recommend change of block 63 to 62 and 65 and 66 to reflect "1" as indicated by the reporting senior's supplemental letter. We also recommend removal of the supplemental letter if change of the report is approved by the BCNR.

[REDACTED]
Director, Military Personnel
Evaluation & Correspondence
Division



DEPARTMENT OF THE NAVY

OFFICE OF THE SECRETARY

1000 NAVY PENTAGON

WASHINGTON, D.C. 20350-1000

5420

Pers-86

AUG 6 1998

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters (Pers-00XCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IN CASE OF
LIEUTENANT COMMANDER [REDACTED]

Ref: (a) Your memo 5420 Pers-00XCB of 03 Aug 98

Encl: (1) BCNR File w/Service Record

1. Per reference (a) we are returning enclosure (1) with the following observations and recommendation:

2. A complete review of Lieutenant Commander [REDACTED]'s record reveals that Block 63 on the Officer Fitness Report for the period 92 Feb 22 - 92 Oct 31 was in fact marked "Regular". Lieutenant Commander [REDACTED] asserts that his reporting senior submitted a change request to reflect an "Early" promotion be inserted in Block 62 of the Officer Fitness Report and remove the mark from Block 63. This request correctly went to Pers-322 who adjudicates such matters.

3. The correction requested by Lieutenant Commander [REDACTED] continues to remain outside the purview of PERS-86. However, Lieutenant Commander [REDACTED] did express an additional concern of whether this fact would precipitate a failure of selection on the Commander board. It is impossible to say with any certainty what precisely the board considered detrimental to his promotion potential. Specific reasons for Lieutenant Commander [REDACTED] failure of selection on the Commander board is not available since selection board proceedings are confidential in nature and records of deliberation are not kept. While specific reasons for Lieutenant Commander [REDACTED] failure of selection are not available, it is our opinion that Lieutenant Commander [REDACTED] record was simply not competitive enough when viewed within the numerical constraints placed on the board.

[REDACTED]
Deputy Director, Reserve Officer
Promotions, Appointments, and Enlisted
Advancement Division